



EPA/EPO/OEB
D-80298-München
+49 89 2399-0
TX 523 656 epmu d
FAX +49 89 2399-4465

Europäisches
Patentamt

Generaldirektion 2

European
Patent Office

Directorate General 2

Office européen
des brevets

Direction Générale 2

McNally, Roisin
Murgitroyd & Company
165-169 Scotland Street
Glasgow G5 8PL
GRANDE BRETAGNE

Telephone Numbers:

Primary Examiner +49 89 2399-8510
(substantive examination)

Formalities Officer / Assistant +49 89 2399-7271
(Formalities and other matters)



Application No. 00 921 774.6-2117	Ref. P30220/CPA/RMC	Date 13.06.2002
Applicant CELL THERAPEUTICS, INC.		

Communication pursuant to Article 96(2) EPC

The examination of the above-identified application has revealed that it does not meet the requirements of the European Patent Convention for the reasons enclosed herewith. If the deficiencies indicated are not rectified the application may be refused pursuant to Article 97(1) EPC.

You are invited to file your observations and insofar as the deficiencies are such as to be rectifiable, to correct the indicated deficiencies within a period

of 4 months

from the notification of this communication, this period being computed in accordance with Rules 78(2) and 83(2) and (4) EPC.

Amendments to the description, claims and drawings are to be filed where appropriate within the said period in **three copies** on separate sheets (Rule 36(1) EPC).

Failure to comply with this invitation in due time will result in the application being deemed to be withdrawn (Article 96(3) EPC).



FAZZI R G
Primary Examiner
for the Examining Division

Enclosure(s): 2 page/s reasons (Form 2906)
EP 0389282

Datum
Date
Date
13.06.2002Blatt
Sheet
Feuille
1Anmelde-Nr.:
Application No.:
Demande n°:
00 921 774.6

The examination is being carried out on the following application documents:

Text for the Contracting States:

AT BE CH LI CY DE DK ES FI FR GB GR IE IT LU MC NL PT SE

Description, pages:

1-129 as originally filed

Claims, No.:

1-30 as received on 09.11.2001 with letter of 08.11.2001

Drawings, sheets:

1/3-3/3 as originally filed

1. An international preliminary examination report has already been drawn up for the present application in accordance with the PCT. The deficiencies mentioned in that report give rise to objections under the corresponding provisions of the EPC.
2. Amendments (Article 123 EPC)

The amendments filed with letter dated 08/11/2001 do not introduce any subject-matter which extends beyond the content of the application as originally filed, so as to comply with the requirements of Article 123(2) EPC.

3. The following document is cited by the examiner (see the Guidelines, C-VI, 8.9). A copy of the document is annexed to the communication and the numbering will be adhered to in the rest of the procedure:

D7: EP-A-0 389 282



4. Patentable inventions (Article 52 (4) EPC)

It is not at present clear what the Applicant meant by the wording "use of a method in the preparation of a medicament" in claims 19 and 25; for this reason the subject-matter of current claims 19, 21-25 and 27-30 is still deemed not to fulfil the requirements of patentability according to Article 52(4) EPC.

The Applicant is kindly requested to delete or review the claims and the corresponding pages of the description according to the EPC and the Guidelines.

5. Novelty

D7 discloses compounds of general formula (I) (cf. page 4), which overlap with present claims 1-3.

The subject-matter of claims 1-3 is also not new in view of D7 (Article 54(2) EPC).

In this respect and in view of the considerations set forth in the International Preliminary Examination Report (cf. item 4) the Applicant's attention is drawn to decision **T12/90**.

6. Further observation

A typographical error has been noticed on page 4, line 10 of the description.